

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES**

June 23, 2006

Pursuant to notice given, the June meeting of the Idaho Real Estate Commission (Commission) was held in the Commission office at 633 N. Fourth Street, Boise, Idaho, on June 23, 2006, at 8:30 a.m.

Members Present:

Ron Clawson, Chair, Idaho Falls
Pam Trees, Vice Chair, Lewiston
Steve Kohntopp, Member, Twin Falls
Andy Enrico, Member, Boise
Comprising a quorum of the Commission.

Staff Present:

Donna M. Jones, Executive Director
Jennifer Bonilla, Admin. Asst.

Staff Present for a portion of the Meeting:

Charlie Hendrix, Fiscal Supervisor
Craig Boyack, Investigator
Neal Bernklau, Licensing Supervisor
Karen Seay, Education Director

Licensees Present for CE Credit

Pearl Smith, Boise

Others Present:

Kim Coster, Commission Counsel
Chuck Byers, Pioneer Real Estate School, Boise
Gail Heist, Education Council, Boise

Call to Order: The meeting of the Commission was called to order by Chair Clawson at 8:35 a.m., Friday, June 23, 2006.

Approval of Agenda: A motion was made by Ms. Trees, seconded by Mr. Kohntopp, to approve the agenda of the June 23, 2006 meeting. Motion carried.

Approval of Meeting Minutes: A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to approve as corrected the May 18, 2006, meeting minutes, as written. Motion carried.

Salesperson and Broker Licenses Issued: Members reviewed the salesperson and broker licenses issued for the month of May 2006; a copy of which has been made part of these minutes. A motion was made by Ms. Trees, and seconded by Mr. Kohntopp, to ratify the salesperson and broker licenses issued for the month of May 2006. Motion carried.

Financial Reports: Ms. Hendrix joined the meeting and presented the May 2006 Financial Reports to Commission members for their review; copies of which are on file at the Commission office.

After review and discussion, a motion was made by Mr. Kohntopp, and seconded by Mr. Enrico, to approve the May 2006, Financial Reports. Motion carried.

A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to approve Ms. Hendrix's travel request to attend the CPM conference to be held in September 2006 in Kentucky. Motion carried.

Education and Examination: Ms. Seay was welcomed to the meeting and presented the following reports; copies of which are on file at the Commission office:

- **Education Council:** The Education Council recommends the Commission approve a provisional instructor certification. A motion was made by Ms. Trees, seconded by Mr. Enrico to approve the council's recommendation for a provisional instructor certification. Motion carried. Ms. Seay reported on the selection criteria and process for applications for Education Funds award. Ms. Seay also reported that the Enforcement Department had requested funds to purchase a TabletPC for the BCOO course presented around the state. Council does not recommend the Commission approve the request. Commissioners discussed the request and agreed with Council's recommendation to deny the request. A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept the Council's recommendation, and deny the Enforcement Department's request for funds to purchase a TabletPC for the BCOO course presented around the state. Motion carried.
- **Northern District Council Member:** Council recommends Donna Capurso for the next Northern District Council Member. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp to appoint Ms. Donna Capurso as the Northern District Council Member. Motion carried.
- **Pocket License Cards:** Ms. Seay reported on her findings of including pocket license cards for licensees. A motion was made by Mr. Enrico, seconded by Ms. Trees to move forward with the implementation of pocket license cards. Motion carried.
- **2006 Instructor Development Workshop:** Ms. Seay presented a draft of the expenses for IDW this year.
- **Policy Change Recommendation:** Council recommends the Commission adopt a policy to cap the number of hours an instructor can teach in a day to eight (8) hours. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to table the Council's request until the July 2006 Commission meeting. Motion carried.
- **Post License Update:** Ms. Seay gave an update on BSU's work on the Post License course.
- **Prelicense Curriculum update:** Ms. Seay reported and presented the Council's draft of a three module sales prelicense curriculum. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to approve the Prelicense curriculum draft and to move forward. Motion carried.
- **License Examination Statistics**

Licensure:

Mr. Bernklau was welcomed to the meeting.

Executive Session: In accordance with section 67-2345 (1) (d) & (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn to executive session to review special request licensure files. Motion carried.

Regular Session: There being no further purpose for an executive session, a motion was made by Mr. Enrico, seconded by Ms. Trees, to adjourn the executive session. Motion carried.

Special Considerations:

Special Consideration #06-025: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to grant the request for felony exemption. Motion carried.

Special Consideration #06-026: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Kohntopp, to deny the request for felony exemption. Motion carried.

Special Consideration #06-027: Request to Waive 54-2012(1)(c) Broker Experience. Following discussion and review of the documents submitted, a motion was made by Mr. Enrico, seconded by Ms. Trees, to grant the request for a waiver of broker experience. Motion carried.

Special Consideration #06-028: Request to Waive 54-2012(1)(c) Broker Experience. Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to deny the request for a waiver of broker experience. Motion carried.

Special Consideration #06-029: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Kohntopp, to grant the request for felony exemption. Motion carried.

Special Consideration #06-030: Request to Waive 54-2012(1)(e) 5 year requirement for Misdemeanor. Following discussion and review of the documents submitted, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to grant the request for felony exemption. Motion carried.

Special Consideration #06-031: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to deny the request for felony exemption. Motion carried.

Special Consideration #06-032: Request to Waive 54-2012(1) (f), Felony Exemption. Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Kohntopp, to grant the request for felony exemption. Motion carried.

Special Consideration #06-033: Request to Waive 54-2012(2)(a) Broker Experience. Following discussion and review of the documents submitted, a motion was made by Mr. Enrico, seconded by Ms. Trees, to grant the request for a waiver of broker experience. Motion carried.

Licensee Status Reports: Members reviewed the licensee status reports; copies of which are on file at the Commission office:

- FY05-FY06 Analysis of Active & Inactive License Base:
- On-Line Renewal Reports:
- Fee Reduction: Ms. Hendrix was welcomed back to the meeting. Mr. Bernklau reported on issues of completely removing the record change fee and recommended lowering the fee instead of completely removing the fee. A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to repeal the May 18, 2006 Commission Meeting decision to no longer assess the \$15 statutory license change fee. Motion carried.
- A motion was made by Mr. Kohntopp, seconded by Mr. Enrico to change the length of extensions from 60 days to 90 days that the Executive Director can approve for fingerprint results, exam scores, and real estate education. Motion carried.

Ms. Coster presented the lease and the meeting with Clint Isensee, the owner. Members discussed the Building Lease agreement. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to approve the Building Lease Agreement with changes. Motion carried.
Members discussed the option to purchase the building.

Enforcement: Mr. Boyack was welcomed to the meeting.

Case of Staff vs. Mary K. Puccio (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Mary K. Puccio and that the "Final Order" for disciplinary actions against Ms. Puccio be as follows:

- 1) That Mary K. Puccio shall be issued a formal reprimand.
- 2) That Mary K. Puccio pay a civil fine in the amount of Two Hundred Fifty Dollars (\$250.00) by July 29, 2006.
- 3) That Mary K. Puccio pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Neil L. Schroeder (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Neil L. Schroeder and that the "Final Order" for disciplinary actions against Mr. Schroeder be as follows:

- 1) That Neil L. Schroeder shall be issued a formal reprimand.
- 2) That Neil L. Schroeder pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) in four payments of Two Hundred Fifty Dollars (\$250.00) each with the first payment due July 29, 2006 and continuing each month thereafter until paid in full.
- 3) That Neil L. Schroeder pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Marcello F. Conigliaro (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Marcello F. Conigliaro and that the "Final Order" for disciplinary actions against Mr. Conigliaro be as follows:

- 1) That Marcello F. Conigliaro shall be issued a formal reprimand.
- 2) That Marcello F. Conigliaro a civil fine in the amount of Five Hundred Dollars (\$500.00) by July 29, 2006.
- 3) That Marcello F. Conigliaro pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Michelle R. LaBartunek (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Michelle R. LaBartunek and that the "Final Order" for disciplinary actions against Ms. LaBartunek be as follows:

- 1) That Michelle R. LaBartunek shall be issued a formal reprimand.
- 2) That Michelle R. LaBartunek pay a civil fine in the amount Five Hundred Dollars (\$500.00) by September 29, 2006.
- 3) That Michelle R. LaBartunek pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Ernest L. Breshears (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Ernest L. Breshears and that the "Final Order" for disciplinary actions against Mr. Breshears be as follows:

- 1) That Ernest L. Breshears shall be issued a formal reprimand.
- 2) That Ernest L. Breshears pay a civil fine in the amount Five Hundred Dollars (\$500.00) by July 29, 2006.

3) That Ernest L. Breshears pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Carole L. Krivokapich (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Carole L. Krivokapich and that the "Final Order" for disciplinary actions against Ms. Krivokapich be as follows:

1) That Carole L. Krivokapich shall be issued a formal reprimand.

2) That Carole L. Krivokapich pay a civil fine in the amount Five Hundred Dollars (\$500.00) by July 29, 2006.

3) That Carole L. Krivokapich pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Alan D. Mills (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Alan D. Mills and that the "Final Order" for disciplinary actions against Mr. Mills be as follows:

1) That Alan D. Mills shall be issued a formal reprimand.

2) That Alan D. Mills pay a civil fine in the amount Seven Hundred Fifty Dollars (\$750.00) by July 29, 2006.

3) That Alan D. Mills pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission deter-

mines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Benjamin E. Yarbrough (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Benjamin E. Yarbrough and that the "Final Order" for disciplinary actions against Mr. Yarbrough be as follows:

- 1) That Benjamin E. Yarbrough shall be issued a formal reprimand.
- 2) That Benjamin E. Yarbrough pay a civil fine in the amount Five Hundred Dollars (\$500.00) by July 29, 2006.
- 3) That Benjamin E. Yarbrough pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Douglas J. Dale (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Douglas J. Dale and that the "Final Order" for disciplinary actions against Mr. Dale be as follows:

- 1) That Douglas J. Dale shall be issued a formal reprimand.
- 2) That Douglas J. Dale pay a civil fine in the amount One Thousand Dollars (\$1,000.00) by July 29, 2006.
- 3) That Douglas J. Dale pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Sherry A. Rinehart (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception,

the Stipulation which had been agreed to by Sherry A. Rinehart and that the "Final Order" for disciplinary actions against Ms. Rinehart be as follows:

- 1) That Sherry A. Rinehart shall be issued a formal reprimand.
- 2) That Sherry A. Rinehart pay a civil fine in the amount Five Hundred Dollars (\$500.00) by July 29, 2006.
- 3) That Sherry A. Rinehart pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Christy R. Dobey (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Christy R. Dobey and that the "Final Order" for disciplinary actions against Ms. Dobey be as follows:

- 1) That Christy R. Dobey shall be issued a formal reprimand.
- 2) That Christy R. Dobey pay a civil fine in the amount Seven Hundred Fifty Dollars (\$750.00) by July 29, 2006.
- 3) That Christy R. Dobey pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Allan J. Edwards (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Allan J. Edwards and that the "Final Order" for disciplinary actions against Mr. Edwards be as follows:

- 1) That Allan J. Edwards shall be issued a formal reprimand.
- 2) That Allan J. Edwards pay a civil fine in the amount Five Hundred Dollars (\$500.00) by July 29, 2006.

3) That Allan J. Edwards pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Curtis P. Bacca (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to accept without exception, the Stipulation which had been agreed to by Curtis P. Bacca and that the "Final Order" for disciplinary actions against Mr. Bacca be as follows:

1) That Curtis P. Bacca shall be issued a formal reprimand.

2) That Curtis P. Bacca pay a civil fine in the amount Five Hundred Dollars (\$500.00) by July 29, 2006.

3) That Curtis P. Bacca pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by July 29, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Case of Staff vs. Jennifer J. Smith (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Jennifer J. Smith and that the "Final Order" for disciplinary actions against Ms. Smith be as follows:

1) That Jennifer J. Smith shall be issued a formal reprimand.

2) That Jennifer J. Smith pay a civil fine in the amount Two Thousand Five Hundred Dollars (\$2,500.00) by July 29, 2006.

3) That Jennifer J. Smith successfully complete (1) a live Business Conduct and Office Operations course and (2) either a live Risk Management course or a Property Disclosure and Red Flags course by no later than December 29, 2006.

4) That Jennifer J. Smith pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by July 29, 2006.

5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. H. LaVerl Wilhelm (Ex-Parte) In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by H. LaVerl Wilhelm and that the "Final Order" for disciplinary actions against Mr. Wilhelm be as follows:

1) That H. LaVerl Wilhelm shall be issued a formal reprimand.

2) That H. LaVerl Wilhelm pay a civil fine in the amount Five Thousand Dollars (\$5,000.00) by July 29, 2006.

3) That H. LaVerl Wilhelm's license shall be suspended for a period of twelve (12) months beginning July 29, 2006, but six (6) months shall be suspended provided that Mr. Wilhelm complies with the terms of the Commission's Final Order and violates no other license law. Mr. Wilhelm's license shall only be reinstated upon his written request and provided that (a) he has fully complied with the Commission's Final Order; (b) has paid in full all fees and/or fines assessed; and (c) he has successfully completed the required courses.

4) That H. LaVerl Wilhelm successfully complete a live Risk Management course and a live Business Conduct and Office Operations course prior to his real estate license being reinstated to an active status.

5) That H. LaVerl Wilhelm pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter. This amount is not due until the Idaho Real Estate Commission issues its Final Order. The amount set forth in the Commission's Final Order will be due within thirty (30) day of service of that Order.

6) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Mr. Boyack provided the Complaint Summary report for members' review; copy of which is on file at the Commission office.

- **Voluntary License Surrender- Peter Stephen Takacs:** a motion was made by Mr. Kohntopp, seconded by Ms. Trees, to ratify Mr. Peter Stephen Takacs' Voluntary License Surrender. Motion carried.
- **Request for Extension- Michele MacMillan:** a request has been made by Ms. Michele MacMillan for a 30 day extension on her fines. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to grant Ms. Michele MacMillan's request for a 30-day extension to pay her fines until July 3, 2006. Motion carried.
- **Request for Extension- Karmen Horkley:** a request has been made by Ms. Karmen Horkley for a 30 day extension on her fines. A motion was made by Mr. Enrico, seconded by Mr. Kohntopp, to grant Ms. Karmen Horkley's request for a 30-day extension to pay her fines until July 3, 2006. Motion carried.
- **Complaint Summary Report:** Mr. Boyack presented the Complaint Summary report.
- **Audit Report:** There was one audit done in May. Mr. Boyack took Ms. Schulter out to audit one office.

Executive Session: In accordance with section 67-2345 (1) (d) & (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Kohntopp, to adjourn to executive session to review special request licensure files. Motion carried.

Regular Session: There being no further purpose for an executive session, a motion was made by Mr. Kohntopp, seconded by Mr. Enrico, to adjourn the executive session. Motion carried.

Probable Cause Memo #05-32500, 05-32501: A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo #06-05700, 06-05701: A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo #06-06300: A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo #06-11200: A motion was made by Mr. Kohntopp, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Mr. Clawson recused himself from Probable Cause Memo #06-11200.

Executive Director's Report: Ms. Jones presented the following report; a copy of which is on file at the Commission office

- **Resignation:** Ms. Jones presented her resignation to the Commissioners effective September 30, 2006.
- **July Meeting:** Members agreed to meet Wednesday, July 19th at 2:00 p.m. for reorganization and to discuss finding a replacement for Ms. Jones. Regular Commission business will be conducted on Thursday, July 20th, beginning at 8:30 a.m.

Commission's Counsel Report:

- **Rule:** Temporary Fee Rule reducing license fees has been approved.
- **Legislation Deadline:** August 4th is the deadline for ideas.
- **TIC Legislation:** Members directed Ms. Coster to contact John Eaton, IAR® regarding the Tenants in Common Legislation.

Online License Renewal Lottery Drawing: May 2006 Winner: Kristin Lynn "Kiki" Stelck, SP30842, salesperson for John L. Scott, Boise.

There being no further business, Chair Clawson adjourned the meeting at 12:50 p.m.

Respectfully Submitted,

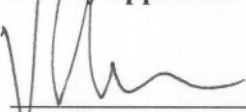
Donna M. Jones
Executive Director

Dmj: jdb

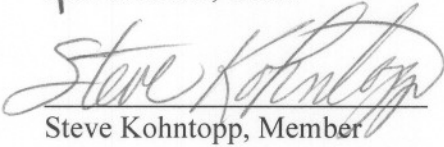
Attachments: Licenses Issued May 2006
Financial Reports
FY05-FY06 License Base Analysis
Online License Renewal Reports
Complaint Summary Report

"Final Order" – Mary K. Puccio
"Final Order" – Neil L. Schroeder
"Final Order" – Marcello F. Conigliaro
"Final Order" – Michelle R. LaBartunek
"Final Order" – Ernest L. Breshears
"Final Order" – Carole L. Krivokapich
"Final Order" – Alan D. Mills
"Final Order" – Benjamin E. Yarbrough
"Final Order" – Douglas J. Dale
"Final Order" – Sherry A. Rinehart
"Final Order" – Christy R. Dobey
"Final Order" – Allan J. Edwards
"Final Order" – Curtis P. Bacca
"Final Order" – Jennifer J. Smith
"Final Order" – H. LaVerl Wilhelm

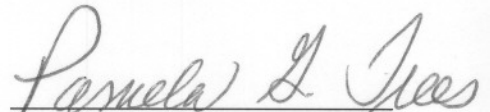
Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho on June 23, 2006, are hereby approved.



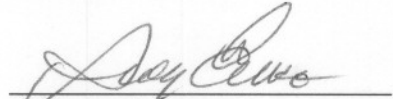
Ron Clawson, Chair



Steve Kohntopp, Member



Pamela G. Trees, Vice Chair



Andy Enrico, Member